

04-C-0048

(Do Not Write Above This Line)

AN ORDINANCE

BY: CARLA SMITH

Carla Smith

AN ORDINANCE TO WAIVE THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF LAWS AS APPLIED TO THE SUBDIVISION OF ONE PARCEL OF LAND KNOWN AS 703 HAMILTON AVENUE, SE, INTO TWO PARCELS, SO AS TO EXEMPT THE PROPERTY OWNER FROM THE REQUIREMENT TO CONSTRUCT SIDEWALKS ALONG EXISTING STREETS FOR PROPERTY CURRENTLY KNOWN AS 703 HAMILTON AVENUE, SE, AND FOR OTHER PURPOSES.

ADOPTED BY

MAR 15 2004

COUNCIL

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred 01/05/04

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____

Date _____

Chair _____

Referred to _____

Committee

Date

Chair

Action:

Fav. Adv. Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav. Adv. Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☒ CRC Vote

CERTIFIED

MAR 15 2004

CERTIFIED

MAR 15 2004

Wanda D. Benjamin
MUNICIPAL CLERK

MAYOR'S ACTION

MAR 23 2004

Murderly D. ...
MAYOR

CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE

04-O-0048

BY COUNCILMEMBER CARLA SMITH

AS SUBSTITUTED BY CITY UTILITIES COMMITTEE

AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO PROVIDE THAT A CERTAIN SUBDIVISION APPLICANT DEPOSIT A DOLLAR AMOUNT EQUAL TO THE VALUE OF THE REQUIRED SIDEWALK CONSTRUCTION INTO A DESIGNATED TRUST FUND ACCOUNT FOR DISTRICT 1; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to the application for the subdivision of land submitted by the developer, in compliance with the provisions of Section 15-09.003 to provide sidewalks on both sides of existing as well as proposed streets; and

WHEREAS, the construction of sidewalks along the frontage of this subdivision would adversely affect the appearance and character of the neighborhood due to the lack of any existing sidewalks on the streets that contain the proposed subdivided lots to which the sidewalks could connect; and

WHEREAS, the City and area residents would be better served by the construction of sidewalks and pedestrian improvements in the area of said subdivision with in District 1.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

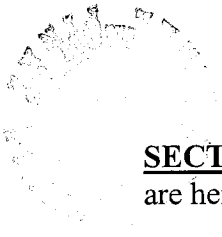
SECTION 1: The requirements of Section 15-09.003 of the City of Atlanta Code of Ordinance, which requires that applications for subdivision of land provide sidewalks are hereby waived for subdivision SD-03-47.

SECTION 2: That the waiver of said requirements for the aforementioned application are conditioned upon the agreement of the applicant to pay the City of Atlanta a dollar amount equal to the value of construction (\$3,900.00) of said sidewalks as required by Section 1509.003 and as determined by the Commissioner of Department of Public Works.

SECTION 3: That before the Director of Bureau of Building issues any building permit for construction within the subdivisions sited above, said funds (\$3,900.00) shall be deposited in Trust Fund Account 3P02 424103 Y63T19039999, to be used for pedestrian improvements and sidewalk construction only in Council District 1.

SECTION 4.: That all other requirements of the Code of Ordinances for the subdivisions sited above shall remain in full force and effect.

SECTION 5: That the Chief Financial Officer or his designee is authorized to create the appropriate Fund, Account and Center Number to deposit and expend these funds.

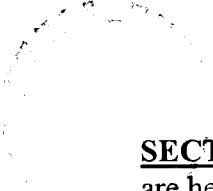


SECTION 6: That all ordinances and parts of ordinances in conflict herewith be and the same are hereby waived.

A true copy,
Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

March 15, 2004
March 23, 2004



SECTION 6: That all ordinances and parts of ordinances in conflict herewith be and the same are hereby waived.

AN ORDINANCE

BY: COUNCILMEMBER CARLA SAMITH



04-0-0048

AN ORDINANCE TO WAIVE THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF LAWS AS APPLIED TO THE SUBDIVISION OF ONE PARCEL OF LAND KNOWN AS 703 HAMILTON AVENUE, SE, INTO TWO PARCELS, SO AS TO EXEMPT THE PROPERTY OWNER FROM THE REQUIREMENT TO CONSTRUCT SIDEWALKS ALONG EXISTING STREETS FOR PROPERTY CURRENTLY KNOWN AS 703 HAMILTON AVENUE, SE, AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Section 15-9.003 of the City of Atlanta Code of Laws, the property owner of 703 Hamilton Avenue, SE, is required to provide sidewalks along its' frontage with existing streets prior to the approval of a final subdivision plat; and

WHEREAS, the property owner of 703 Hamilton Avenue, SE, has applied to subdivide 703 Hamilton Avenue, SE, from one lot into two lots; and

WHEREAS, 703 Hamilton Avenue SE is located in Boulevard Heights, a community which historically has had no sidewalks; and

WHEREAS, the construction of such sidewalks would result in the installation of one (1) isolated section of sidewalk not contiguous or abutting any existing sidewalk or pedestrian facilities; and

WHEREAS, the property owner has formally petitioned the City of Atlanta for a waiver of the sidewalk requirement contained in Section 15-9.003; and

WHEREAS, the public health, safety and welfare is served and furthered with the subdivision of 703 Hamilton Avenue, SE, from one lot into two lots, so as to permit infill development consistent with recent development in the Boulevard Heights area, without the construction of the sidewalk as required by Section 15-9.003.

NOW THEREFORE BE IT AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA as follows:

Section One

The requirements of Section 15-9.003 of the Code of Ordinances are hereby waived for the subdivision of 703 Hamilton Avenue, SE so as to exempt the property owner from the requirement to provide sidewalks along the frontage of 703 Hamilton Avenue, SE, with any existing streets in connection with the subdivision application to subdivide same from one lot into two lots.

Section Two

All other requirements of the Code of Ordinances for the subdivision of 703 Hamilton Avenue, SE, from one lot into two lots shall remain in full force and effect.